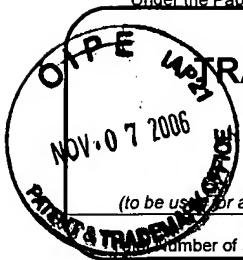


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3

Application Number	10/676,946
Filing Date	September 30, 2003
First Named Inventor	Kristin L. Jambor
Art Unit	3733
Examiner Name	David C. Comstock
Attorney Docket Number	END-5083-515149

SFW

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FROST BROWN TODD LLC		
Signature			
Printed name	Kevin S. Sprecher		
Date	11-03-2006	Reg. No.	42,165

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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26874

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Kristin L. Jambor, et al. : Paper No:

Serial No. 10/676,946 : Group Art Unit: 3733

Filed: September 30, 2003 : Primary Examiner: David C. Comstock

For: SEGMENTED GASTRIC BAND

AMENDMENT AND RESPONSE

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office action dated October 3, 2006, setting forth the restriction requirement in the above patent application, please consider the following remarks.

In the Office action, the Examiner has requested that the applicants make an election between the following disclosed species for continued prosecution required under 35 U.S.C. 121:

I. Fig. 3

II. Fig. 8.

Applicants hereby elect, without traverse, the claims of Group I, claims 1, 3-12, 21 and 22 for prosecution on the merits in the present application.

Respectfully submitted,

Kristin L. Jambor, et al.

By 

Kevin S. Spfecher
Registration No. 42,165
Attorney for Applicant(s)

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CERTIFICATE OF MAILING

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